

REMARKS

Applicants appreciate the Examiner's thorough consideration provided the present application. Claims 1-12 are now present in the application. Claims 1-12 have been amended. Claims 1, 4, 7 and 10 are independent. Reconsideration of this application, as amended, is respectfully requested.

Claim Objections

Claim 12 has been objected to under 37 CFR 1.75(c). Claim 12 has been amended to address the Examiner's requested correction. Accordingly, this objection has been obviated and/or rendered moot and should be withdrawn.

Claim Rejections Under 35 U.S.C. § 102

Claims 1-3 and 7-12 stand rejected under 35 U.S.C. § 102(b) as being anticipated by WO 99/59147 (Mitsuoka et al., U.S. Patent No. 6,448,543). This rejection is respectfully traversed.

In light of the foregoing amendments to the claims, Applicants respectfully submit that this rejection has been obviated and/or rendered moot. As the Examiner will note, independent claims 1, 7 and 10 have been amended to address the Examiner's rejection. Independent claims 1 and 4 now recite a combination of elements including "the pick-up head comprising a pair of conductive wires... the voltage being applied ... on the pair

of conductive wires to generate an electric field". Independent claims 7 and 10 now recite a combination of elements including "exerting a voltage on a pair of conductive wires on the pick-up head". Applicants respectfully submit that the above combinations of elements as set forth in independent claims 1, 4, 7 and 10 are not disclosed nor suggested by Mitsuoka relied on by the Examiner.

Mitsuoka discloses a near field optical head and reproduction method. In particular, Mitsuoka teaches that an electrical field 9 is generated by applying the voltage between the electrode 5 (on the near-field optical head 101) and the electrode 2 (on the optical disk 111) (see FIG. 1; col. 6, lines 25-28). Accordingly, Mitsuoka fails to teach the above combinations of elements as set forth in independent claim 1, 4, 7 and 10 because Mitsuoka teaches that the optical head 11 includes one electrode (electrode 5) only.

Since Mitsuoka fails to teach each and every limitation of amended independent claims 1, 4, 7 and 10, Applicants respectfully submit that all of the claims clearly define over the teachings of Mitsuoka. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 102 are respectfully requested.

Claim Rejections Under 35 U.S.C. § 103

Claims 4-6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Mitsuoka in view of Watanabe et al., U.S. Patent No. 5,784,343. This rejections is respectfully traversed.

As mentioned above, Mitsuoka fails to disclose the above combinations of elements recited in independent claims 1, 4, 7 and 10.

With regard to the Examiner's reliance on Watanabe, this reference has only been relied on for its teachings of optical elements. This reference also fails to disclose the above combination of the elements as set forth in independent claims 1, 4, 7 and 10. Accordingly, this reference fails to cure the deficiencies of Mitsuoka.

Accordingly, none of those references individually or in combination teach or suggest the limitations of independent claims 1, 4, 7 and 10. Therefore, Applicants respectfully submit that all of the claims clearly define over the teachings of the references relied on by the Examiner.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103 are respectfully requested.

CONCLUSION

Since the remaining patents cited by the Examiner have not been utilized to reject the claims, but rather to merely show the

state of the art, no further comments are necessary with respect thereto.

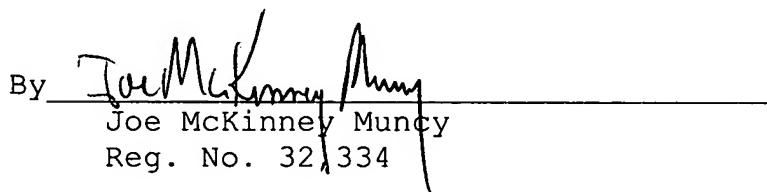
It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

In the event there are any matters remaining in this application, the Examiner is invited to contact Joe McKinney Muncy, Registration No. 32,334 at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
Joe McKinney Muncy
Reg. No. 32,334

KM/GH/mmi/asc
3313-0444P

GW

P. O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000